REMARKS

In the Office Action, claims 1, 2, 4-17, and 19-23 were rejected. By this paper, Applicants have amended claim 9. This amendment does not add any new matter and support for the amendment may be found at least on page 9, lines 7-10, page 12, lines 16-21, and page 14, lines 5-13 of the originally filed specification. Upon entry of the amendment, claims 1, 2, 4-17, and 19-23 remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendment and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Rejections under 35 U.S.C. § 103(a)

In the Office Action, claims 1, 2, 5-11, 14-17, and 19-23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Reudink et al., U.S. Pub. No. 2004/0235527 (hereinafter "Reudink"), in view of Walton et al., U.S. Patent No. 6,744,743 (hereinafter "Walton") and further in view of Grube et al., U.S. Patent No. 5,319,796 (hereinafter "Grube). In addition, claims 4, 12-13, and 19 were rejected in the Office Action under 35 U.S.C. § 103(a) as unpatentable over Reudink in view of Walton and, further, in view of Wiedeman et al., U.S. Pub. No. 2002/0039900 (hereinafter "Wiedeman"). Applicants respectfully traverse these rejections since the cited references fails to teach each and every limitation of the claimed invention.

Omitted Features of Independent Claims 1, 9, and 16

Reudink, Walton, and Grube, taken alone or in hypothetical combination, fail to teach each element of independent claims 1, 9, and 16. Independent claims 1 and 16 recite, in part, a scheduler "adapted to <u>schedule the allocation of the group of shared system resources</u> such that <u>no two users served by a pair of overlapping coverage envelopes</u> are assigned the same system resources." (Emphasis added.) Similarly, amended independent claim 9 recites, in part, "<u>scheduling the allocation of the group of shared system resources</u> such that no two receivers served by <u>a pair of overlapping coverage envelopes</u> receive the same system resources during a simultaneous data transmission." (Emphasis added.)

It was admitted in the Office Action that Reudink failed to teach a scheduler. *See* Office Action, page 4. Accordingly, Reudink cannot be read as teaching a scheduler adapted to schedule the allocation of the group of shared system resources such that no two users served by a pair of overlapping coverage envelopes are assigned the same system resources, as recited in independent claims 1 and 16. Additionally, it was admitted in the Office Action that Reudink failed to teach scheduling the allocation of the group of shared system resources such that no receivers served by a pair of overlapping coverage envelopes receive the same system resources during a simultaneous data transmission, as recited in independent claim 9. *See* Office Action, page 6. Accordingly, the cited portions of Reudink fail to teach all elements of independent claims 1, 9, and 16.

It was suggested in the Office Action that Walton, in paragraph 61, teaches a scheduler that assigns system resources from a group of shared system resources to a plurality of receivers. *See* Office Action, page 4. However, it was admitted in the Office Action that the cited portion of Walton fails to teach a scheduler adapted to schedule the allocation of the group of shared system resources such that no two users served by a pair of overlapping coverage envelopes are assigned the same system resources, as recited in independent claims 1 and 16. *See id.* Additionally, it was admitted in the Office Action that the cited portion of Walton failed to teach scheduling the allocation of the group of shared system resources such that no two receivers served by a pair of overlapping coverage envelopes receive the same system resources during a simultaneous data transmission, as recited in independent claim 9. *See* Office Action, page 6. Accordingly, the cited portions of Walton fail to teach all elements of independent claims 1, 9, and 16.

To remedy the admitted deficiencies of Reudink and Walton, it was suggested in the Office Action that Grube, in col. 3, lines 30-35 and 43-47, teaches scheduling the allocation of the group of shared system resources such that no two users served by a pair of overlapping coverage envelopes are assigned the same system resources, as recited in independent claims 1 and 16. *See* Office Action, page 4. It was further suggested in the Office Action that Grube teaches scheduling the allocation of the group of shared system resources such that no two

receivers served by <u>a pair of overlapping coverage envelopes</u> receive the same system resources during a simultaneous data transmission, as recited in independent claim 9. *See* Office Action, page 6. Applicants respectfully disagree with this reading of Grube.

First, it should be noted that in each of independent claims 1, 9, and 16, the recited group of shared system resources is specifically claimed as comprising a group of channelization codes. Channelization codes are described in the specification as imparting a uniquely identifiable pattern to each signal being transmitted by a base station. *See* Specification, page 3, lines 17-21. Furthermore, different channelization codes may be employed in conjunction with signals transmitted simultaneously within the same cell to prevent interference between the signals in a given channel. *See* Specification, page 3, line 21 – page 4, line 4. Thus, independent claims 1 and 16 recite scheduling the allocation of <u>the group of shared system resources</u> (i.e. the group of characterization codes) such that <u>no two users served by a pair of overlapping coverage envelopes</u> are assigned the <u>same system resources</u> (i.e., the same characterization code), while independent claim 9 recites scheduling the allocation of the group of shared system resources (i.e. the group of characterization codes) such that no two receivers served by <u>a pair of overlapping coverage envelopes</u> receive the <u>same system resources</u> (i.e., the same characterization code) during a simultaneous data transmission.

In contrast, the cited portions of Grube appear to teach a system that operates in an opposite manner to the recitations in independent claims 1, 9, and 16. That is, while claims 1, 9, and 16 recite sharing resources (i.e. channelization codes over a given channel) such that no two users (or receivers) utilize the same channelization code, the cited portions of Grube appear to teach a system that determines if two users are in an overlapping coverage area, and if the two users are utilizing a common channel to place calls, moving one of the calls to another channel, such as the channel with the least amount of recent co-channel usage. *See* Grube, col. 2, lines 54-60, and col. 3, lines 40-47. That is, Grube appears to teach a system that includes transferring usage from a shared channel to a differing channel, while

independent claims 1, 9, and 16 recite allocation of <u>shared</u> system resources (such as channelization codes used in conjunction with a <u>single</u> channel).

Because the cited portions of Grube appears to describe a manner for separation of usage of a channel by two users in an overlapping coverage area through the use of a second channel, Grube cannot be read as teaching scheduling the allocation of <u>the group of shared system resources</u> (i.e. the group of characterization codes for a channel) such that <u>no two users served by a pair of overlapping coverage envelopes</u> are assigned the <u>same system resources</u> (i.e., the same characterization code for a channel), as recited in independent claims 1 and 16. Furthermore, Grube cannot be read as teaching scheduling the allocation of the group of shared system resources (i.e. the group of characterization codes for a channel) such that no two receivers served by <u>a pair of overlapping coverage envelopes</u> receive the <u>same system resources</u> (i.e., the same characterization code for a channel) during a simultaneous data transmission. Simply put, Grube teaches utilization of a <u>second channel</u> when two receivers served by a pair of overlapping coverage envelopes are discovered to be utilizing the same system resource (i.e. a first channel). In contrast, the independent claims 1, 9, and 16 recite utilization of differing channelization codes when two receivers served by a pair of overlapping coverage envelopes are operating on <u>a channel</u>. It is simply improper to suggest that teachings directed to utilization of a <u>two distinct</u> channels, as set forth in the cited portions of Grube, may be applied to teach allocation of the same resources (channelization codes over a single channel), as recited in independent claims 1, 9, and 16.

Additionally, the cited portions of Wiedeman as set forth in the Office Action fail to overcome the deficiencies set forth above with respect to Reudink, Walton, and Grube. Therefore, for at least the reasons set forth above, Reudink, Walton, Grube, and Wiedeman, taken alone or in hypothetical combination, fail to teach each element of independent claims 1, 9, and 16. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of independent claims 1, 9, and 16, as well as all claims depending therefrom.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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